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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Fiji and Papua New Guinea: draft resolution

Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2017 relating to New Caledonia,[1]

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960, and stressing principle VI of the annex to resolution 1541 (XV),

Recalling also the provisions of the Nouméa Accord,[2] which, inter alia, underscores the importance of the transfer of powers and skills in a timely manner from the administering Power to the people of New Caledonia,

Reaffirming that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations,

Concerned about any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territories to the detriment of the interests of the inhabitants of those Territories,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote equitable political, economic and social development in the Territory, including measures in the area of environmental protection, in order to provide a framework for its peaceful progress to self-determination,

[1] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 23* (A/72/23), chap. IX.

[2] A/AC.109/2114, annex.

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Noting also, in this context, the importance of continued peaceful dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Recalling the report of the Special Rapporteur on the rights of indigenous peoples on the situation of Kanak people in New Caledonia, submitted to the Human Rights Council at its eighteenth session, held from 12 to 30 September and on 21 October 2011,[3] following his visit to the Territory in February 2011,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region, including through the hosting of New Caledonian delegates in the French diplomatic and consular missions in the region,

Recalling the conclusions of the nineteenth Melanesian Spearhead Group Leaders Summit, under the historic inaugural chairmanship of the Front de libération nationale kanak et socialiste, held in Nouméa from 19 to 21 June 2013, including the Leaders Declaration of the Group reaffirming the strong commitment and support, including technical assistance, for the self-determination of New Caledonia, in accordance with the Charter and the Nouméa Accord,

Noting the admission of New Caledonia as a full member of the Pacific Islands Forum at the forty-seventh Pacific Islands Forum, convened in Pohnpei, Federated States of Micronesia, from 8 to 10 September 2016,

Welcoming the exchange of letters between the Department of Political Affairs of the Secretariat and the Melanesian Spearhead Group secretariat on the sharing of information on New Caledonia,

Mindful that New Caledonia has entered the most seminal phase of the Nouméa Accord process, a period that requires continued close monitoring by the United Nations of the situation in the Territory in order to help the people of New Caledonia to exercise their right to self-determination in accordance with the objectives set out in the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples,[4]

Welcoming the Charter of the Kanak people, common base of the fundamental values and principles of the Kanak civilization, which was proclaimed in April 2014 by the customary authorities, Great Chiefs, Chiefs, Presidents of District Councils and Presidents of the Clan Chiefs Councils, as the sole traditional custodians of the Kanak people of New Caledonia,

Welcoming also the dispatch of a United Nations visiting mission to New Caledonia in March 2014,

Recalling the statement by the Chair of the visiting mission,

Having examined the report of the visiting mission,[5]

Recalling the letter addressed by the Special Committee to the administering Power soliciting the dispatch of a new visiting mission,

Welcoming the cooperation of the administering Power with regard to the work of the Special Committee relating to New Caledonia and its readiness for and concurrence with the dispatching of the 2014 visiting mission,

Taking note of the statement by the representative of the administering Power,

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[3] A/HRC/18/35/Add.6, annex.
[4] Resolution 1514 (XV).
[5] A/AC.109/2014/20/Rev.1.

Acknowledging the successful conduct by New Caledonia of municipal and provincial elections in May 2014,

Taking note of the information presented to the Pacific and the Caribbean regional seminars on the implementation of the Third International Decade for the Eradication of Colonialism, held in Nadi, Fiji, from 21 to 23 May 2014, and in Managua from 19 to 21 May 2015, on the situation in the Territory, including on the issues related to the 2014 elections,

Taking note also of the recommendations adopted by the Pacific regional seminar held in Managua from 31 May to 2 June 2016, which are annexed to the report of the Special Committee for 2016,[6]

Taking note further of the information provided at the Caribbean regional seminar held in Kingstown from 16 to 18 May 2017 by the administering Power as well as by New Caledonian parties on developments in the Territory, including progress towards the referendum on self-determination to be held in 2018,

Aware of the challenges encountered in the 2014 provincial electoral process, particularly with regard to the work of the special administrative committees in updating the special electoral roll, the non-existence of the supplementary electoral roll from 1998 and the unavailability of the 1998 general electoral roll prior to 2014, and their potential impact on the referendum on self-determination,

Welcoming the invitation from the administering Power to the Electoral Assistance Division of the Department of Political Affairs of the Secretariat to dispatch an electoral expert observer mission to New Caledonia in May 2016 to observe the work of the special administrative commissions and the advisory committee of experts for the establishment and revision of the special electoral list, including, in particular, for the self-determination referendum in New Caledonia in 2018, consistent with the Nouméa Accord,

Welcoming the transmission by the administering Power to the Special Committee of the final report of the electoral expert observer mission to New Caledonia conducted in 2016, as well as of the list of measures implemented by the administering Power to follow up on the recommendations of the mission,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the people of the Territory in gaining a better understanding of the options for self-determination,

1. *Reaffirms its approval* of the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2016 relating to New Caledonia;[1]

2. *Reiterates its endorsement* of the report, observations, conclusions and recommendations of the United Nations visiting mission to New Caledonia conducted in 2014;[5]

3. *Expresses its appreciation* to the administering Power and the Government of New Caledonia for the close cooperation and assistance extended to the visiting mission;

4. *Reaffirms* that it is ultimately for the people of New Caledonia to determine freely and fairly their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration on the

[6] *Official Records of the General Assembly, Seventy-first Session, Supplement No. 23* (A/71/23).

Granting of Independence to Colonial Countries and Peoples[4] and the relevant resolutions of the General Assembly, and in that connection calls upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

5. *Notes* the concerns expressed regarding the challenges encountered in the provincial elections process with respect to the persistent varying interpretations of the restricted electorate provisions and the voter registration appeal process, and encourages the administering Power and the people of New Caledonia to address in an amicable and peaceful manner the concerns of all stakeholders under the existing relevant laws in the Territory and in France, while also respecting and upholding the spirit and letter of the Nouméa Accord;[2]

6. *Expresses the view* that adequate measures for conducting the upcoming consultations on access to full sovereignty, including a just, fair, credible and transparent electoral roll, as provided in the Nouméa Accord, are essential for the conduct of a free, fair and genuine act of self-determination consistent with the Charter and United Nations principles and practices;

7. *Welcomes*, in that respect, the continuous dialogue undertaken by the parties in the framework of the Committee of Signatories to the Nouméa Accord to establish the parameters for the conduct of a conclusive act of self-determination, including the setting of an electoral roll, as provided in the Accord;

8. *Takes note* of the outcome of the twelfth meeting of the Committee of Signatories, held on 3 October 2014, which, inter alia, stressed the commitment of the administering Power to enable the people of New Caledonia to decide their future status in a fair, credible, democratic and transparent self-determination process consistent with the Nouméa Accord;

9. *Notes with interest* the convening of the extraordinary meeting of the Committee of Signatories, held in Paris on 5 June 2015, regarding the New Caledonia self-determination process, including, in particular, the electoral roll for the referendum and related issues;

10. *Calls upon* France, the administering Power, in the light of the observations, conclusions and recommendations of the visiting mission, to consider developing an education programme to inform the people of New Caledonia about the nature of self-determination so that they may be better prepared to face a future decision on the matter, and requests the Special Committee to provide all available assistance in that regard;

11. *Commends* the observations, conclusions and recommendations of the visiting mission to the Government of France, as the administering Power, and the Government of New Caledonia for appropriate action;

12. *Urges* all the parties involved, in the interest of the people of New Caledonia and within the framework of the Nouméa Accord, to maintain their dialogue in a spirit of harmony and mutual respect in order to continue to promote a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all sectors of the population, based on the principle that it is for the people of New Caledonia to choose how to determine their destiny;

13. *Reaffirms* its resolutions 68/87 of 11 December 2013 and 69/97 of 5 December 2014, in which the General Assembly, inter alia, reaffirmed that in the absence of a decision by the Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

14. *Welcomes* the actions taken by the administering Power to continue to transmit to the Secretary-General information as required under Article 73 *e* of the Charter, particularly the submission on 8 January 2015 on the most recent developments in New Caledonia;

15. *Notes* the continuing concerns expressed by the Kanak people regarding their underrepresentation in governmental and social structures, incessant migratory flows and the impact of mining on the environment;

16. *Urges* the administering Power to take effective measures to safeguard and guarantee the inalienable right of the people of New Caledonia to their natural resources and to establish and maintain control over the future development of those resources, and requests the administering Power to take all steps necessary to protect the property rights of the people of New Caledonia;

17. *Commends* the "Cadres for the future" programme, and encourages further enhancement of the training and capacity-building of high-level executives in the public and private sectors in the Territory, particularly in view of the ongoing transfer of powers from the Government of France to New Caledonia, while ensuring that the transfer of powers is undertaken in a manner consistent with the Nouméa Accord;

18. *Recalls* the observations and recommendations contained in the report of the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples on the situation of Kanak people in New Caledonia,[3] made in the light of relevant international standards, to assist with ongoing efforts to advance the rights of the Kanak people in the context of the implementation of the Nouméa Accord and the United Nations-supported decolonization process;

19. *Requests* the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to New Caledonia and to continue to do so, as appropriate, after it exercises its right to self-determination;

20. *Welcomes* the strengthening of the economic and social rebalancing initiatives undertaken by the administering Power, and urges its continuation in all areas and communities of the Territory, especially for the well-being of the Kanak indigenous people;

21. *Encourages* the administering Power, with the cooperation of the Government of New Caledonia, to ensure and enhance safeguards for and guarantees of the inalienable right of the people of the Territory to own, access, use and manage their natural resources, including proprietary rights for their future development;

22. *Recalls* the provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, and notes the continuing strengthening of ties between New Caledonia and both the European Union and the European Development Fund;

23. *Welcomes* the accession of the Front de libération nationale kanak et socialiste to the Chair of the Melanesian Spearhead Group, the hosting, for the first time in New Caledonia, in June 2013, of the meetings of officials and leaders of the

Group, the successful completion of the chairmanship of the Group by the Front de libération nationale kanak et socialiste, in June 2015, and the opening, in February 2013, of the Front de libération nationale kanak et socialiste unit at the headquarters of the Group secretariat in Port Vila;

24. *Acknowledges* the contribution of the Jean-Marie Tjibaou Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

25. *Welcomes* the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs;

26. *Takes note* of the information shared by participants from New Caledonia at the Pacific and the Caribbean regional seminars on the implementation of the Third International Decade for the Eradication of Colonialism, held in Nadi, Fiji, from 21 to 23 May 2014 and in Managua from 19 to 21 May 2015, including on measured progress made in the social, economic, political and environmental spheres and more focused efforts, particularly on the rebalancing initiatives and electoral roll concerns, necessary for the long-term shared mutual benefit of all New Caledonians, and urges the administering Power and the Government of New Caledonia to devote appropriate attention to addressing these issues;

27. *Welcomes* the peaceful conduct of provincial elections in New Caledonia on 11 May 2014, the preceding municipal elections and the subsequent efforts to form a new Government of New Caledonia, and encourages constructive engagement by all stakeholders in further developing New Caledonia for all, including by respecting and upholding the Nouméa Accord;

28. *Also welcomes* the decision of the administering Power to invite the Electoral Assistance Division of the Department of Political Affairs of the Secretariat to conduct a mission in order to observe the work of the special administrative commissions and the advisory committee of experts for the establishment and revision of the special electoral list, and looks forward to examining its recommendations;

29. *Stresses* the importance of the agreement between the signatories to the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

30. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

31. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its seventy-third session.